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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

2002 AUG 22 A 11:07

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE EMERGENCY
APPLICATION OF FORTY NINER WATER
COMPANY FOR AN EMERGENCY RATE
INCREASE.

DOCKET NO. W-01777A-02-0547

PROCEDURAL ORDER

BY THE COMMISSION:

On July 19, 2002, Forth Niner Water Company ("Forty Niner" or "Company") filed an application for approval of an emergency increase in its rates. As a result, a hearing will commence on September 6, 2002 at 10:00 a.m. to hear the above-captioned case.

Pursuant to A.A.C. R14-3-101, the Commission makes the following orders governing the preparation and conduct of this matter:

IT IS THEREFORE ORDERED that Forty Niner shall provide public notice of the Commission's hearing to determine if an emergency exists pursuant to Attorney General Opinion No. 71-17 and if an emergency increase should be granted, which hearing shall begin at the Commission's offices, Room 222, 400 West Congress, Tucson, Arizona on September 6, 2002 at 10:00 a.m., or as soon thereafter as the matter can be heard.

IT IS FURTHER ORDERED that the following notice shall be posted in a public place located in Forty Niner's service area on or before August 28, 2002 with Forth Niner to file with the Commission certification of public notice as soon thereafter as is practical:

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Arizona Corporation Commission

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NOTICE
FORTY NINER WATER COMPANY
EMERGENCY RATE HEARING
DOCKET NO. W-01777A-02-0547

FORTY NINER WATER COMPANY HAS REQUESTED THE ARIZONA CORPORATION COMMISSION SET A HEARING TO DETERMINE IF AN EMERGENCY RATE INCREASE FOR ITS WATER SERVICE SHOULD BE GRANTED. THE HEARING WILL BEGIN AT THE COMMISSION'S OFFICES AT ROOM 222, 400 WEST CONGRESS, TUCSON, ARIZONA ON SEPTEMBER 6, 2002 at 10:00 A.M. INTERESTED PARTIES MAY INTERVENE. IF YOU DESIRE MORE INFORMATION, CONTACT THE COMMISSION'S CONSUMER SERVICES SECTION AT 1-800-222-7000.

IT IS FURTHER ORDERED that notice in accordance with this Procedural Order shall be deemed complete upon the public posting of notice, notwithstanding the failure of an individual customer to read or receive the notice.¹

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

IT IS FURTHER ORDERED that to the extent that provisions of this Procedural Order conflicts with Title 14 of the A.A.C., the provisions of this Procedural Order are controlling.

DATED this 21st day of August, 2002


JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed
this 21st day of August, 2002 to:

Bonnie O'Connor
Forty Niner Water Company
P.O. Box 85160
Tucson, Arizona 85754

Mr. Douglas Lemke
Brown & Bain
One South Church Street
Tucson, Arizona 85702
Attorneys for Forty Niner Water Company

¹ A copy of this Procedural Order is being sent to the Intervenor of record in Forty Niner's pending case for approval of the sale of its assets to the City of Tucson (Docket No. W-01777A-02-0175).

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3 Mr. Lawrence V. Robertson Jr.
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5 Tucson, Arizona 85711

6 Jody Elmer, President
Forty Niners Country Club Estates
Homeowners Association
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